IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

(1) S.B.CRIMINAL MISC. PETITION NO. 338/06
(Smt. Pintu Pareek Vs. Sudarshan Pareek)

(2) S.B.CRIMINAL MISC. PETITION NO. 646/06
(Sudarshan Pareek Vs. Smt. Pintu pareek & Anr.)

Date of Order : 31/10/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. H.S.S.Kharlia for petitioner Smt. Pintu Pareek and non-petitioner No.1 in Petition No.646/06.

Mr. B.K.Vyas for non-petitioner Sudarshan Pareek in Petition No.338/06 and petitioner in Petition No.646/06.

Mr. Ashok Upadhyay, public prosecutor for the State.

BY THE COURT:-

Both these criminal misc. petitions under Section 482 Cr.P.C. are directed against the common order dated 12.4.2005 passed by Judge, Family Court, Jodhpur (for short 'the trial court' hereinafter) in Criminal Original Case No.20/04 whereby during the pendency of the application filed by petitioner Smt. Pintu Pareek under Section 125 Cr.P.C., the trial court granted monthly allowance of interim maintenance at the rate of

Rs.1000/-. Being dis-satisfied and feeling aggrieved by granting of inadequate monthly allowance of interim maintenance, Smt. Pintu Pareek has filed Petition No.338/06 and being aggrieved by the order granting monthly allowance of interim maintenance, petitioner Sudarshan Pareek has filed Petition No.646/06. Since both the petitions arise out of the common order and between the same parties, with the consent of learned counsel for the parties, the petitions are heard together and decided by this common order.

It is contended by learned counsel for petitioner Smt. Pintu Pareek that the marriage of petitioner Pintu Pareek was solemnized with non-petitioner Sudarshan Pareek according to Hindu rites and customs on 27.5.2002. Her father gave sufficient dowry and cash in the marriage, yet her husband and father-in-law not being satisfied with the dowry and cash given in the marriage, subjected her to cruelty and harassment within few days of her marriage in connection with demand of dowry. In the complaint she has alleged that various articles and the cash were demanded in dowry to which her father failed to fulfill their demand and therefore, she was harassed and subjected to cruelty and turned out of her matrimonial home. She is a Law Graduate and has been enrolled as an Advocate and prosecuting further studies for the Master's Degree in Law i.e. LL.M. and

claimed monthly allowance of interim maintenance @ Rs.3000/- per month. It is contended that petitioner Smt. Pintu Pareek has been attending the Court so as to upgrade her knowledge and mainly she is student of LL.M. and she has no source of income. It is further contended that non-petitioner Sudarshan Pareek is a Govt. employee and is working in Education Department on the post of Teacher having monthly income of Rs. 6000/- from salary, and in addition to that he earns Rs. 5000/- per month by taking tuitions of the students. Parties are yet to lead evidence and during the pendency of the application under Section 125 Cr.P.C., the trial court has granted monthly allowance of interim maintenance @ Rs. 1000/- only and therefore, petitioner Smt. Pintu Pareek being dis-satisfied with the amount of interim maintenance seeks enhancement of the interim maintenance.

Petitioner Sudarshan Pareek has challenged the order of interim maintenance on the ground that his wife has been enrolled as an Advocate and therefore, she is earning by practicing as a legal practitioner and therefore, he seeks setting aside of the order granting monthly allowance of interim maintenance.

I have given my thoughtful consideration to the rival submissions made by learned counsel for the parties.

It has not been disputed that petitioner Smt. Pintu Pareek has got herself enrolled as an Advocate with the Bar Council of Rajasthan and also joined the office of Shri P.P.Choudhary, Advocate of this Court. It has been contended by the counsel for petitioner Smt. Pintu Pareek that she has been attending the Court so as to upgrade her knowledge as she is undertaking further studies of LL.M. and mainly she is student of LL.M. and has no income of her own, whereas her husband is a permanent employee of the State Govt. working on the post of Teacher and therefore, having sufficient means he failed to maintain petitioner Smt. Pintu Pareek and neglected her. The income of Sudarshan Pareek has not been disputed to the extent of his salary and by now the salary has undergone a sizable revision. Be that as it may, even assuming the monthly income of Sudarshan Pareek as Rs. 6000/- from Salary which has not been disputed by him, in my view, a sum of Rs.1500/- per month would be just and appropriate amount of interim maintenance of petitioner Smt. Pintu Pareek keeping in view the fact that she is undertaking further studies of LL.M. and has to attend the college regularly including the expenses to be incurred by her for education, book, fee etc.

In this view of the matter, Criminal Misc. Petition No.338/06 filed by petitioner Smt. Pintu Pareek is partly allowed

and the order impugned dated 12.4.2005 is modified to the extent that instead of Rs. 1000/- per month, petitioner Smt. Pintu Pareek is entitled for the monthly allowance of interim maintenance @ Rs. 1500/-. Criminal Misc. Petition No.646/06 filed by Sudarshan Pareek stands dismissed.

(H.R.PANWAR),J.

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